

AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 611

Introduced by Senator Steinberg

February 22, 2007

An act to ~~amend Section 483.010 of the Code of Civil Procedure,~~
~~and to amend Section 15657.03 of~~ *add Section 15657.01* to the Welfare
and Institutions Code, relating to elder and dependent adult financial
abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 611, as amended, Steinberg. Financial abuse of elder and dependent adults.

Existing law provides for the award of attorney's fees and costs, and damages to a plaintiff when it is proven by a preponderance of the evidence that the defendant is liable for financial abuse of an elder or dependent adult and permits additional recovery where there is clear and convincing evidence of recklessness, oppression, fraud, or malice.

Under the Attachment Law, a plaintiff is authorized to use the remedy of attachment against a defendant's property to secure the amount of the claimed indebtedness to the plaintiff in connection with cases involving contracts.

This bill would also permit the use of the Attachment Law in cases involving financial abuse against an elder or dependent adult, whether or not other forms of relief are demanded.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 15657.01 is added to the Welfare and*
2 *Institutions Code, to read:*

3 *15657.01. Notwithstanding Section 483.010 of the Code of*
4 *Civil Procedure, an attachment may be issued in any action for*
5 *damages pursuant to Section 15657.5 for financial abuse of an*
6 *elder or dependent adult, as defined in Section 15610.30. The other*
7 *provisions of the Code of Civil Procedure not inconsistent with*
8 *this article shall govern the procedure for the issuance of an*
9 *attachment pursuant to this section. In an application for a writ*
10 *of attachment, the claimant shall refer to this section. An*
11 *attachment may be issued pursuant to this section whether or not*
12 *other forms of relief are demanded.*

13 ~~SECTION 1. Section 483.010 of the Code of Civil Procedure~~
14 ~~is amended to read:~~

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17 **All matter omitted in this version of the bill**
18 **appears in the bill as introduced in the**
19 **Senate, February 22, 2007. (JR11)**
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